

REMARKS

Claims 1 – 15 and 23 – 28 are now pending in the application. Claims 27 and 28 have been withdrawn from consideration. The Examiner is respectfully requested to reconsider and withdraw the election requirement and the rejections in view of the amendments and remarks contained herein.

ELECTION REQUIREMENT

Applicants traverse the Election requirement but affirm the Examiner's election of Claims 1 – 15 and 23 – 26. Applicants respectfully submit that Claims 27 and 28 are directed to an invention that is neither distinct nor independent from the invention to which Claims 1 – 15 and 23 – 26 are directed. In addition, Applicants respectfully note that § 803 of the Manual of Patent Examining Procedure states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions.

As such, Applicants submit that the claims are so closely related that maintaining them in the same application would not cause undue hardship for the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the election requirement.

REJECTION UNDER 35 U.S.C. § 102(b)

Claims 1 – 4, 6 – 11, 13 – 15, and 25 – 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tereda (U.S. Pat. No. 5,692,574). Alternatively, Claims 1 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schell et al. (United States Patent 5,738,177) hereinafter Schell. These rejections are respectfully traversed.

Applicants claims the overmold portion defining a seal portion that is configured to meshingly engage the secondary structure and form a seal between the molded portion and the secondary structure, as set forth in a portion of claim 1. Applicants additionally claim the overmold portion defining an insulator portion that is configured to partially encapsulate the secondary structure and dampen vibrations that are transmitted between the molded portion and the secondary structure, as set forth in a portion of Claim 9. Applicants respectfully submit that neither Tereda nor Schell anticipate or suggest the invention as claimed, as Tereda discloses a discrete and independent rubber ring and Schell discloses an exterior cover.

More specifically, Applicants note that the Examiner refers to reference numeral 30 in Tereda as an overmold portion. Tereda, however, uses reference numeral 30 to refer to a rubber ring. (Column 5 and Figure 2A). The rubber ring, in Tereada, is subsequently installed onto a cylindrical projection that is formed on a rearmost body section. (Column 5, Lines 34 – 36). Furthermore, the rubber ring is mounted around the projection . . . (emphasis added). As such, Applicants submit that Tereda fails to anticipate or suggest the invention as claimed.

With reference to Schell, Applicants note that Schell discloses an overmold portion. Applicants, however, submit that Schell discloses the overmold portion as an exterior cover for the tool. (Abstract, Lines 19 – 21). The overmold portion provides self-sealing, non-marring, overmold exterior that allows a lubrication needle to be inserted through an aperture located beneath the overmold exterior. (Abstract, Lines 20 – 22; Column 4, Lines 7 – 17; Column 5, 36 – 44; Column 21, Lines 34 – 45). In addition the overmold may fill various cavities on the exterior of the tool. (Column 12, Lines 36 – 45; Column 21, Lines 9 – 33). Applicants, however, submit that Schell fails to anticipate or suggest the invention as claimed.

Applicants, therefore, submit that neither Tereda nor Schell anticipate or suggest the invention as claimed as Tereda discloses a unitary sealing ring and Schell discloses a elastomer cover for a power tool. As such, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of Claims 1 – 4, 6 – 11, 13 – 15, and 25 – 26.

REJECTION UNDER 35 U.S.C. § 103(a)

Claims 5, 12, 23, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Terada (U.S. Pat. No. 5,692,574) This rejection is respectfully traversed.

Applicants respectfully direct the Examiner's attention to the remarks offered above and notes that Claims 5, 12, 23 and 24 depend, indirectly or directly, from Claims 1 and 9. As such, Claims 5, 12, 23, and 24 should be in condition for allowance for reasons set forth above.

CONCLUSION

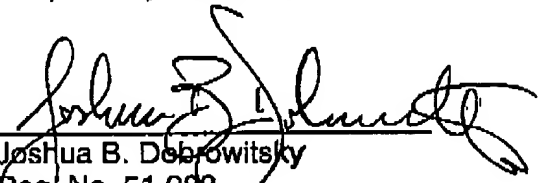
It is believed that all of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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